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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

International Patent Application of

VUNJAK-NOVAKOVIC, et al.

Serial No.: 10/815,778

Filed: April 2, 2004

For: CARTILAGE IMPLANT ASSEMBLY
AND METHOD FOR IMPLANTATION

Examiner Singh

Art Unit 1657

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

ELECTION UNDER 35 USC 121

Responsive to the Office Action of October 9, 2007, Applicant responds as follows:

REMARKS

Applicant respectfully traverses the Examiner's further restriction requirement and election after the election of Group I. However, for purposes of responding to this action and to obtain examination, Applicant provisionally elects the invention of Group Ia, represented by claims 1-12 drawn to a cartilage repair assembly comprising an allograft bone plug, and an allograft milled cartilage mixture in a biocompatible carrier (as specifically recited in instant claim 1), classified in class 623, subclass 11.11 and various depending on the components. Group Ia - Ic is directed to a distinct cartilage repair assembly as indicated by the Examiner and there would not be a serious search and examination burden placed on the Examiner for examining Ia - Ic, if indeed there were any burden in undertaking such examination. The five cited reasons noted on page 5 of the restriction requirement are not applicable to the invention listed in Ia, Ib and Ic.